



Langley Research Center

LPR 3752.1

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DISCIPLINE AND ADVERSE ACTIONS

National Aeronautics and Space Administration

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RESPONSIBLE OFFICE: Office of Human Capital Management

LPR 3752.1

PREFACE

This Langley Procedural Requirements (LPR) summarizes and sets forth procedures, requirements, and definitions for the administration of employee disciplinary actions. Procedures for taking adverse actions for cause and for performance-based actions are set forth in 5 CFR Parts 432 and 752.

The Organizational Development and Workforce Relations Branch (ODWRB), Office of Human Capital Management (OHCM), should be consulted for further information and guidance before taking any formal action.

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REFERENCES

- a. 5 Code of Federal Regulations (CFR) Part 432, Performance Based Reduction in Grade and Removals.
- b. 5 CFR Part 752, Adverse Actions.
- c. NPR 3432.1, "Performance Based Reduction in Grade or Removal Actions."
- d. NPR 3752.1, "Disciplinary and Adverse Actions."
- e. NPR 3771.1, "Grievance System."
- f. LAPD 1200.5, "Delegation of Authority to Take Disciplinary and Adverse Actions and Performance-Based Actions."
- g. LPR 3430.2, "Probationary Period."

DEFINITIONS

a. Informal Disciplinary Action

Informal disciplinary action involves an oral admonishment of an employee that does not become a matter of the official written record. (NOTE: Supervisors should keep unofficial written memory aids of an informal disciplinary action which may be used later in determining appropriate penalties for subsequent infractions by the employee.)

b. Formal Disciplinary Action

Formal disciplinary action is any action taken to discipline an employee that becomes a matter of written record in the employee's official personnel folder. Types of formal disciplinary action normally used are:

(1) Written reprimand

The time period for inclusion of a written reprimand in the employee's official personnel folder will be in accordance with the reckoning period as specified in the "Table of Disciplinary Offenses and Penalties for Employees in the National Aeronautics and Space Administration" for the particular offense. Reckoning periods are not cumulative.

(2) Suspension for 14 calendar days or less.

c. Adverse Action

(1) Suspensions of more than 14 days.

(2) Furloughs of 30 days or less.

(3) Reduction in grade or pay.

(4) Removals.

d. Table of Disciplinary Offenses and Penalties

The Table can be found at the following URL:

<http://ohr.larc.nasa.gov/policy/nasa.disciplinary.offenses.table.pdf>

PROCEDURES AND RESPONSIBILITIES

3.1 Written Reprimands

a. Immediate Supervisor

Contact ODWRB, OHCM, extension 42686, for guidance and assistance when a disciplinary action against an employee is being considered.

b. Authorized Official

Before any action is taken against an employee, the official having authority to issue a written reprimand (see LAPD 1200.5) is to make such inquiry and investigation as is considered necessary to ascertain the facts in the case.

3.1.1 Discussion with Employee

Authorized Official/Employee

(1) Hold an informal discussion. (NOTE: The discussion normally is to be restricted to the authorized official and the employee. Provisions of applicable collective bargaining agreements apply to bargaining unit employees.)

(2) Authorized official advises the employee of the reasons for the contemplated action.

(3) Employee presents the employee's side of the case.

(4) At the conclusion of the discussion, the authorized official advises the employee that a determination will be made, and that the employee will be informed of the disposition of the matter within 5 workdays.

3.1.2 Decision

Authorized Official

Give full consideration to the facts and take one of the actions listed below:

a. Facts do not support the allegation. Authorized official orally notifies the employee of the decision and advises that the matter is closed.

b. Facts support the allegation but it is believed oral admonishment is sufficient. Official orally admonishes the employee and advises that, in any future case, stronger action may be required.

c. Facts support the allegation and a written reprimand is sufficient to correct the situation. Authorized official issues letter of reprimand, which will contain as a minimum:

(1) Reference to the discussion in Section 3.1.1, including date, time, and place.

(2) Specific charges, employee's explanation, as given during the discussion, and findings of fact.

(3) The employee's rights through the Agency Grievance System or the Negotiated Grievance Procedure. (NOTE: Employees covered by a collective bargaining agreement are subject to the terms of the agreement.)

(4) Advise that in any future case stronger action may be required.

d. Facts support the allegation but it is believed that more severe action is required, such as a suspension or removal. Authorized official orally advises the employee within the 5-workday limit that stronger action is being proposed. (NOTE: Determining penalty. Any penalty imposed on an employee shall be the minimum which may reasonably be expected to correct the situation and maintain general discipline and morale. To provide a uniform basis for the formal discipline of employees, a "Table of Disciplinary Offenses and Penalties for Employees" (reference Chapter 2, para d.) has been established. Penalties for offenses not listed will be suggested by the ODWRB, OHCM, consistent with penalties for comparable offenses. Each offense has a range of penalties to provide disciplinary officials with flexibility in dealing with particular situations.

3.2 Procedures for Suspension for 14 Calendar Days or Less

a. Employees Covered

Employees who are not serving a probationary or trial period under an initial appointment or who have completed 1 year of current continuous employment in the same or similar position under other than a temporary appointment limited to 1 year or less.

b. Employee Entitlements

An employee against whom a suspension for 14 days or less is proposed is entitled to:

- (1) An advance written notice stating the specific reasons for the proposed action. This notice is to be given at least 15 calendar days prior to the effective date of the proposed action.
- (2) Five calendar days to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer.
- (3) Be represented by an attorney or other representative. The employee representative may be an LaRC employee, but LaRC may disallow as an employee's representative:
 - (a) An employee whose participation would cause a conflict of interest or position;
 - (b) An employee whose release which would give rise to unreasonable cost to the Government; or
 - (c) An employee who cannot be released from official duties because of the priority work assignments of the Government.
- (4) A written decision and the specific reasons therefor at the earliest practicable date.

3.2.1 Notice of Proposed Action

An employee whose suspension is being considered is to be given advance written notice:

- a. Stating the proposed action and the specific reasons for the proposed action.
- b. Advising where and whom to contact to review the material that is relied on to support the reasons for the proposed action.
- c. Stating a reasonable time, but not less than 5 calendar days, to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer.
- d. Including the name of the official who is to receive the employee's answer.
- e. Advising entitlement to be represented by an attorney or other representative.

3.2.2 Employee's Reply

The employee's reply will be made a part of the record and will be considered by the deciding official or designee.

3.2.3 Notice of Decision

- a. A written decision will be made by a designated LaRC official who is at a higher level than the official who originally proposed the action.
- b. The written decision will be issued at the earliest practicable date and clearly identify:
 - (1) The specific proposed adverse action.
 - (2) The specific reasons which were relied upon if the decision is to discipline the employee.
 - (3) Any reasons which may have been withdrawn. Only the reasons specified in the Notice of Proposed Action will be considered. (NOTE: A more severe action than originally proposed may not be substituted, nor charges or reasons used which were not stated in the original Notice of Proposed Action.)
 - (4) Consideration that was given to any reply made by the employee or the employee's representative.
 - (5) The employee's right to grieve through the NASA Grievance System or through appropriate negotiated grievance procedures.

3.2.4 Delivery of Notice

If the decision is to discipline the employee, the Notice of Decision will be delivered to the employee on or before the effective date of the action.

3.2.5 Grievance Rights

Any penalty imposed through formal disciplinary action may be grieved by the employee. Instructions for grievances of disciplinary actions will be stated in the decision letter issued by the Deciding Official.

3.3 Removal, Suspension for More Than 14 Calendar Days, Reduction in Grade or Pay, and Furlough for 30 Days or Less

Procedures for these actions are set forth in 5 CFR 752, Subpart D.

3.4 Separation of Probationary Period Employees

Procedures for these actions are set forth in 5 CFR 315, Subpart H.

3.5 Unsatisfactory Performance or Conduct and Conduct Before Appointment

Procedures for these actions are outlined in LPR 3430.2.